

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS**

**FRIEDRICHS HARRIS, Administrator of the
Estate of Evan M. Harris, deceased,**

Plaintiff,

v.

**Civil Action No. 2:16-CV-46
(BAILEY)**

**Q&A ASSOCIATES, INC.,
ANGELA SHOCKLEY, Individually,
KEITH BISHOP, Individually,
MATTHEW SHOCKLEY, Individually,
SANDY SCHMIEDKNECHT, Individually,
and TAMMY ROBBINS, Individually,**

Defendants.

ORDER REGARDING UPDATED SCHEDULING CONFERENCE

This matter is now before this Court for consideration of the parties' Joint Motion for Amended Scheduling Order and Defendants' Motion for New Trial Date [Doc. 55], filed on May 2, 2017. On March 3, 2017, this Court issued an Opinion and Order Denying the Motion to Compel Arbitration [Doc. 41]. The parties represent that they effectively began discovery in earnest after that Order was issued [Doc. 55 at 2-3]. However, "[b]ecause the volume of documents to be produced and the multitude of witnesses in this case, the parties have discussed a plan for discovery and agreed that they need more time than the current scheduling order allows" [Id. at 3]. For good cause shown, the **Joint Motion [Doc. 55] is GRANTED.**

As such, pursuant to Fed. R. Civ. P. 26(f) and LR Civ P 16.01(c), this Court orders that the remaining parties shall meet and submit to this Court a **written report** on the results of a discovery meeting and a **completed Scheduling Order Checklist** (see

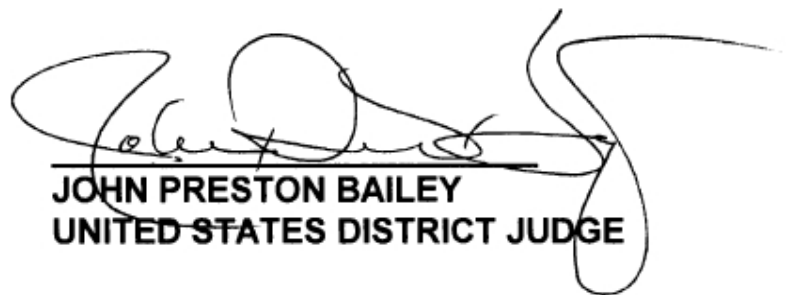
attached) on or before **June 2, 2017**. The written report shall include the parties' report on those matters set forth in LR Civ P 16.01(b)(1-5) and 16.01(c) and the parties' discovery plan as required by Fed. R. Civ. P. 26(f). Parties and counsel are subject to sanctions as set forth in Fed. R. Civ. P. 16(f) and LR Civ P 37.01 for failure to participate in good faith in the development and submission of a meeting report and proposed discovery plan.

Upon receipt of the meeting report and proposed discovery plan, this Court may conduct a scheduling conference at a date and time deemed appropriate. See Fed. R. Civ. P. 16(b) and LR Civ P 16.01(d). However, if this Court determines, after a review of the meeting report and proposed discovery plan, that a scheduling conference is not necessary, no conference will be scheduled and a scheduling order will be entered. See Fed. R. Civ. P. 16(b) and LR Civ P 16.01(d).

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to counsel of record herein along with copies of this Court's Scheduling Order Checklist.

DATED: May 5, 2017.



JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

Plaintiff(s),

v.

Civil Action No. _____

Defendant(s).

SCHEDULING ORDER CHECKLIST

ATTORNEYS

1. INTERMEDIATE PRETRIAL CONFERENCE

2. MEDIATION Before -

3. JOINDER AND AMENDMENTS

4. EXPERT DISCLOSURE

a. With Burden

b. Without Burden

5. EXAMINATION/INSPECTIONS

6. DISCOVERY COMPLETION

7. DISPOSITIVE MOTIONS

_____ Responses

_____ Replies

8. PRETRIAL DISCLOSURES, FED R. CIV PRO 26(a) 3

a. Objections _____

9. JURY INSTRUCTIONS, VOIR DIRE and VERDICT FORMS

a. Objections _____

10. MOTIONS IN LIMINE _____

a. Objections _____

11. BIOGRAPHICAL SKETCHES _____

12. JOINT FINAL PRETRIAL CONFERENCE ORDER

13. FINAL PRETRIAL CONFERENCE _____

14. Trial _____

(If non-jury trial, Proposed Findings of Fact
and Conclusions of Law are to be filed with Court
and opposing counsel _____)